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9 *Counsel for Defendant*
10 *Allegiant Air, LLC*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13
14 DEANNA HERR, on behalf of herself and all
others similarly situated,

15 Plaintiff,
16 v.
17 ALLEGIANT AIR, LLC, a Nevada Limited
Liability Company,
18 Defendant.

Case No.: 2:20-cv-01002-RFB-NJK

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28 **STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR
RESPONSIVE PLEADING TO
PLAINTIFF'S COMPLAINT
[FIRST REQUEST]**

Defendant ALLEGIANT AIR, LLC ("Allegiant"), by and through its undersigned counsel, the law firm of Greenberg Traurig, LLP, and Plaintiff DEANNA HERR ("Herr"), by and through her undersigned counsel, the law firm of Semenza Kircher Rickard, hereby stipulate and agree to extend the time for Allegiant to file an answer or other responsive pleading to Herr's Complaint, up to and including thirty (30) days after a decision is issued on the pending motion for an order consolidating *Rebecca Bratcher v. Allegiant Travel Company*, Case No. 2:20-cv-00767-APG-BNW (D. Nev. 2020) (the "Bratcher Action") with this case. Good cause exists to grant this Stipulation, based on the following:

1 WHEREAS, on June 5, 2020, this case was transferred to this Court pursuant to a stipulation
2 and order directing transfer from the Eastern District of Michigan (ECF Nos. 8, 9);

3 WHEREAS, pursuant to the terms of the stipulation and order transferring this case from the
4 Eastern District of Michigan, Allegiant's response to Herr's Complaint is due on July 6, 2020 (ECF
5 No. 8);

6 WHEREAS, on June 5, 2020, in the *Bratcher* Action, Plaintiff Rebecca Bratcher filed a
7 motion for an order consolidating the *Bratcher* Action with this case (the "Consolidation Motion");

8 WHEREAS, on June 11, 2020, in this case, Rebecca Bratcher also filed a motion to
9 intervene for the limited purpose of seeking consolidation (ECF No. 13);

10 WHEREAS, like this case, the *Bratcher* Action is a putative class action pending in the
11 District of Nevada that concerns consumer refunds on Allegiant flights as a result of the COVID-19
12 pandemic;

13 WHEREAS, if the Consolidation Motion is granted, the parties anticipate a consolidated
14 complaint will be filed that supersedes Herr's Complaint;

15 WHEREAS, to proceed efficiently and orderly, the parties met and conferred in good faith,
16 and agreed that Allegiant's response to Herr's claims should follow a decision on the Consolidation
17 Motion and the filing of a consolidated complaint, if consolidation is ordered;

18 WHEREAS, the parties also advise the Court that this case and the *Bratcher* Action are the
19 subject of a motion to transfer both cases, along with dozens of other COVID-19 airline ticket
20 refund cases, pending before the Judicial Panel on Multi-District Litigation (MDL No. 2957) (the
21 "MDL Transfer Motion");

22 WHEREAS, the MDL Transfer Motion seeks transfer to the Northern District of Illinois;

23 WHEREAS, responses to the MDL Transfer Motion are due on July 9, and replies are due
24 on July 16;

25 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between Herr and Allegiant,
26 subject to the Court's approval, that:

27 The deadline for Allegiant to respond to Herr's Complaint shall be extended until thirty (30)
28 days after a decision is issued on the pending Consolidation Motion, as follows:

- 1 (a) If the Consolidation Motion is granted and a consolidated complaint is ordered to be
2 filed, Allegiant's response to that consolidated complaint shall be due thirty (30)
3 days after its filing.
4 (b) In the event of denial of the Consolidation Motion, Allegiant's response to Herr's
5 Complaint shall be due thirty (30) days after entry of an Order issuing such denial.

6 **IT IS SO STIPULATED.**

7 DATED this 1st day of July, 2020.

8 **GREENBERG TRAURIG, LLP**

10 */s/ Jacob D. Bundick*

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19 *Counsel for Defendant*
20 *Allegiant Air, LLC*

7 DATED this 1st day of July, 2020.

8 **SEMENZA KIRCHER RICKARD**

10 */s/ Lawrence J. Semenza, III*

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26 *Counsel for Plaintiff*
27 *Deanna Herr*

28 **ORDER**

29 **IT IS SO ORDERED.**

30 DATED this 2nd day of July, 2020.

31 
32 **UNITED STATES MAGISTRATE JUDGE**